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FloorPrep
Legislative Digest

Tuesday, July 18, 2000

*The House will meet at 9:00 a.m. for Morning Hour
and 10:00 a.m. for Legislative Business*

Anticipated Floor Action:

H.R. 3113—Unsolicited Commercial Electronic Mail Act 2000

H.R. 2634—Drug Addiction Treatment Act of 1999

H.R. 2961—International Patient Act of 1999

H.R. 4430—Designating the “Alfred Rascon Post Office Building”

**H.R. 4157—Designating the “Matthew Robinson
Post Office Building”**

H.R. 4517—Designating the “Alan B. Shepard, Jr. Post Office Building”

H.R. 4554—Designating the “Joseph F. Smith Post Office Building”

H.R. 1264—Right-To-Know National Payroll Act

H.R. 2909—Intercountry Adoption Act of 1999

H.R. ____ —Debt Relief Reconciliation Act of 2001

H.J. Res 103—Disapproving the extension of the waiver of authority in section 402 (c) of the Trade Act of 1974 with respect to the People's Republic of China



Bills Under Suspension of the Rules

Floor Situation: The House will consider the following ten bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.R. 3113 prohibits the transmission of unsolicited commercial electronic (UCE) mail messages (also known as spam) unless the initiator of that message provides a valid return electronic mail address and provides the recipient of such messages the opportunity not to receive future mailings. In addition, the bill allows Internet Service Providers (ISP) to enforce their own policy against spam messages. Specifically, they may sue the spammers in federal court for \$500 per message (up to \$50,000 and possibly up to \$150,000 if a spammer willfully breaks the anti-spamming law) in damages. The measure authorizes the Federal Trade Commission to bring action against initiators of spam messages who operate in violation of the legislation's provisions. Finally, state or local laws that are inconsistent with the measure are preempted, except in the case of any civil remedy under state trespass or contract law or any federal, state or local law relating to acts of computer fraud and abuse arising from the unauthorized transmission of unsolicited commercial electronic mail messages. The bill was introduced by Ms. Wilson on October 20, 1999, and was reported out of the Commerce Committee by voice vote on June 14, 2000.

H.R. 2634 amends certain portions of the Controlled Substances Act (21 U.S.C. 823) relating to registration requirements for practitioners who dispense narcotic drugs for maintenance treatment or detoxification treatment. It permits qualified physicians to treat their addicted patients, to speed up the approval of narcotic drugs for addiction treatment purposes, and offers hope for medical treatment for many Americans for whom other treatment programs are out of reach. The bill waives the current requirement that physicians obtain the prior approval of the Drug Enforcement Administration (DEA), receive the endorsement of state and local regulatory authorities and dispense only drugs pre-approved by the Food and Drug Administration (FDA). This new waiver process applies only to registered physicians qualified to dispense controlled substances or treat opiate-dependent patients.

The bill also includes a number of safeguards to prevent abuses of the waiver procedure. The Secretary of Health and Human Services may deny access to the waiver process for any drug the Secretary determines may require more stringent physician qualification standards or more narrowly defined restrictions on the quantities of drugs that may be dispensed for unsupervised use. Physicians face losing their registration status or even criminal prosecution for violations of the waiver process. After three years, the Attorney General and the Secretary may end availability of the waiver if they determine the process has had adverse public health consequences or to the extent it has led to violations of the Controlled Substances Act. H.R. 2634 was introduced by Mr. Bliley on July 29, 1999 and reported from the Commerce Committee by voice vote on November 11, 1999.

A CBO cost estimate was provided to the committee which estimated the cost of the bill to be \$80 million over the period 2000-2004 (including \$23 million in Substance Abuse and Mental Health Service Administration (SAMHSA) administrative costs and \$30 million in increased Medicaid costs). The committee, however, disagreed with the assumptions made by the CBO and used its own calculations. The committee concluded that the costs of the bill would be \$5 million per year for the period 2000-2004. (A complete discussion of the cost estimates can be found in the committee report at pp. 11-17 of H. Rept. 106-441).

H.R. 2961 amends the Immigration and Nationality Act to authorize a three-year pilot program under which the Attorney General can extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States, and were admitted

under the Visa Waiver Pilot Program. This provision effectively allows these individuals to stay in the U.S. as long as necessary. An alien patient seeking a waiver must submit to the Attorney General (1) a detailed diagnosis statement from a physician, including the treatment being sought and the expected length of time the patient will be required to stay in the U.S.; (2) a statement from the health care facility containing an assurance that the patient's treatment is not being paid through any federal or state public assistance, that the patient's account has no outstanding balance, and that facility will notify the INS when the treatment is finished or the patient released; (3) evidence of financial ability to support the patient's day-to-day expenses while in the U.S. (including the expenses of any accompanying family member), and evidence that any patient or accompanying family member is not receiving any public assistance.

Waivers may only be granted on a request submitted by an INS district office to INS headquarters. No more than 300 waivers may be granted in any fiscal year and spouses, parents, brothers, sisters, sons, daughters, and other family members accompanying the patient may also receive a waiver. However, only one adult family member may be granted a waiver for each patient, a second if the patient is a dependent less than 18 years old. The INS Commissioner is directed to submit a report no later than March 30 every year regarding all waivers granted during the previous fiscal year. The authority to grant waivers will be suspended during any period when the report is past due and has not been submitted. CBO estimates that enacting this bill would affect direct spending in fiscal years 2000 through 2003, but that the cost would not be significant in any single year. The bill was introduced by Mr. Bensten on July 11, 2000, and was reported by voice vote from the Judiciary Committee on July 11, 2000.

H.R. 4430 designates the facility of the United States Postal Service located at 11831 Scaggsville Road in Fulton, Maryland, as the 'Alfred Rascon Post Office Building'. Mr. Rascon, the son of Mexican immigrants, received the Medal of Honor from President Clinton commending him for his acts of bravery during the Vietnam War. On March 16, 1966, while assigned as a medic in the Vietnam War, Mr. Rascon repeatedly ran into heavy enemy fire in order to treat three men, saving two of them, despite his own personal injuries that occurred when a grenade exploded in his face. Mr. Rascon was recommended for the Medal of Honor within days of his battlefield bravery but never received it until the men he saved realized the oversight and sought to correct it in 1993. Mr. Rascon presently works as an inspector general of the Selective Service System in Arlington, Virginia. H.R. 4430 was introduced by Mr. Bartlett on May 11, 2000.

H.R. 4157 designates the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the 'Matthew "Mack" Robinson Post Office Building'. The late Mr. Robinson passed away on March 12, 2000 as a result of complications associated with diabetes. Mr. Robinson was a former Olympian, winning the 200-meter silver medal at the 1936 Olympic Games in Berlin. He was also the older brother of baseball Hall of Fame player Jackie Robinson. Mack Robinson was employed by the City of Pasadena for many years and contributed substantial time to various youth groups. H.R. 4157 was introduced by Mr. Rogan on April 3, 2000, and reported by the Committee on Government Reform.

H.R. 4517 designates the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the 'Alan B. Shepard, Jr. Post Office Building'. Alan Shepard was the first of America's astronaut heroes of the 1960's. He holds the distinction of being the first American to journey into space when he was launched in the Freedom 7 spacecraft on May 5, 1961.

Shepard was also commander of the February 1971 Apollo 14 mission, and became the fifth person to walk on the moon as he spent over nine hours in a spacesuit on the lunar surface.

Born in 1973, Shepard was raised in East Derry, New Hampshire and went on to attend the United States Naval Academy where he received a Bachelor of Science degree. He began his postgraduate naval career on the destroyer COGSWELL deployed in the Pacific during World War II. He went on to enter flight training at Corpus Christi, Texas, and Pensacola, Florida, and received his wings in 1947. His next assignment was with a Fighter Squadron at Norfolk, Virginia, and Jacksonville, Florida. With this squadron he served several tours aboard aircraft carriers in the Mediterranean. In 1950, Shepard attended the United States Navy Test Pilot School and upon graduation began test flying at various altitudes and obtained data and tested the development experiments of the Navy's in-flight refueling system, carrier suitability trials of the F2H3 Banshee, and Navy trials of the first angled carrier deck. H.R. 4517 was introduced by Mr. Sununu on May 23, 2000, and was not considered by a committee.

H.R. 4554 designates the United States Postal Service facility located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the "Joseph F. Smith Post Office Building". Mr. Smith, a former Member of Congress, was born and raised in Philadelphia, Pennsylvania. He began his public service to the United States as a sergeant in the U.S. Army, receiving a Purple Heart for his bravery during World War I. He eventually served as a Pennsylvania State Senator for eleven years before his election to Congress in 1981. Always a friend to the City of Philadelphia and its citizens, Mr. Smith passed away in May of 1999. H.R. 4554 was introduced by Mr. Borski on May 25, 2000.

H.R. 1264 requires employers to disclose their share of Social Security and Medicare taxes on an employee's annual W-2 form, effective for pay received after December 31, 2000. Introduced by Mr. Hoekstra *et al.* on March 24, 1999, and was not reviewed by a committee. This bill does not affect direct spending so pay-as-you-go procedures do not apply.

H.R. 2909 provides the executive branch with the authority to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. This bill requires the State Department to monitor intercountry adoption cases, coordinate with foreign governments on behalf of adoptive parents, and maintain a case registry to track all adoptions involving immigration of a child into the U.S. and all adoptions involving emigration from the U.S. to any other Convention country. It requires the Department of Health and Human Services to accredit adoption service providers, and allows for the designation of one or more private, non-profit organizations to serve as accrediting entities. The bill gives oversight authority and prescribes actions to be taken by the Secretary of HHS in the event that an accrediting agency or accredited entity fails to comply with the standards. H.R. 2909 was introduced by Mr. Gilman on September 22, 1999, and was reported from the International Relations Committee on March 22, 2000, by a vote of 28-0.

H.R. __ authorizes \$7.5 billion from the FY2001 non-Social Security surplus to be deposited into the "Debt Reduction Payment Account" to pay the down the debt held by the public. The bill would also reduce the public debt ceiling.



Bills Considered Pursuant to a Unanimous Consent Agreement

H.J.Res. 103—Disapproving the Extension of Normal Trade Relations with China

Floor Situation: On Monday, July 17, 2000, the House agreed without objection to unanimous consent to consider on July 18, 2000, or any time thereafter, [H.J. Res. 103](#). It allows the resolution to be considered as read for amendment, waives all points of order against the joint resolution, will be debatable for 2 hours, equally divided and controlled. There will be no motion to recommit.

Summary: H.J.Res. 103 disapproves the extension of Normal Trade Relations with China for another year, which was recommended by President Clinton on June 2, 2000, pursuant to section 402(c) of the Trade Act of 1974.

Cost/Committee Action: H.J.Res. 103 does not affect direct spending, so pay-as-you-go procedures do not apply. H.J.Res. 103 was introduced by Mr. Rohrabacher on June 23, 2000, and adversely reported by the Committee on Ways and Means voice vote on July 13, 2000.

Additional Information:

“China—U.S. Relations,” *CRS Report* IB98018; “Most-Favored-Nation Status of the People’s Republic of China,” *CRS Report* RL30225; “Beijing Warns of War for ‘One China,’ ” Patrick Tyler, *The Guardian (London)*, January 25, 1996; “Satellite Maker Gave Report to China Before Telling U.S.,” Jeff Gerth, *New York Times*, May 19, 1998; “Loral Denies Any Benefits In Return for Donations,” Robert Suro, Juliet Eilperin, *The Washington Post*; “Gingrich Plans Panel on China and Clinton Tie,” Alison Mitchell, *New York Times*, May 19, 1998; “Was Pentagon Opposition to China-Technology Squelched?,” John Diamond, AP, May 19, 1998; “Justice Department Investigates Satellite Export Deal,” Robert Suro, *The Washington Post*, May 17, 1998; “Clinton Urged to Delay China Trip,” AP, May 19, 1998; “Clinton Defends ‘Principled Pragmatic’ Approach to China,” Peter Baker, *The Washington Post*, June 12, 1998; and “Signs of Chinese Arms Sale Dismissed, Ex-Official Says,” John Mintz, *The Washington Post*, June 12, 1998. “Sell Them Anything,” Matthew Rees, *The Weekly Standard*, September 8, 1997, p. 25; “Administration May Approve Weapons Furnace Export to China,” *Newsweek*, June 15, 1998, p. 6; “Documents Show Satellite Waiver Not Routine,” *The Washington Post*, June 1, 1998, p. A13; “NSC Papers Trace Concerns on Export Waivers for China,” *The Washington Times*, p. A10; “Red Scare,” *U.S. News & World Report*, June 8, 1998, p. 20. “Most-Favored Nation Status and China: History, Current Law, Economic and Political Considerations, and Alternative Approaches,” *CRS Report* 96-923E; “Direct Cost of Withdrawing China’s Most-Favored Nation Status,” *CRS Report* 96-904E; “China U.S. Trade Issues,” *CRS Issue Brief* IB91121; “China-U.S. Relations,” *CRS Issue Brief* IB94002; “Most Favored Nation Status of the People’s Republic of China,” *CRS Issue Brief* IB97039; “China: Possible Missile Technology Transfers,” *CRS Report* 98-485F; “Asian Financial Crisis: Foreign Policy Interest/Options,” *CRS Report* 98-74F. “Welcome to China, Mr. Clinton,” *The Economist*, June 27, 1998, p. 17.



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